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IN THE UNITED STATES PATENT OFFICE

In re: Terry A. Oldfield et al.

Art Unit: 1615

Examiner: Blessing M. Fubara

Date filed: January 22, 2002

Docket No.: 71506

Serial No.: 10/054,082

Date Mailed: July 2, 2003

Confirmation No.: 3929

Title: Hair Grooming Formulations And Methods For The Use Thereof

Mail Stop

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING 37 CFR 1.8(a)**

I hereby certify that this correspondence and any items identified as being included herewith is/are, on the date shown below, being deposited with the United States Postal service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

July 2, 2003

Date

*Mark L. Davis*  
Mark L. Davis

**Reply Under 37 CFR §1.111  
INTRODUCTORY COMMENTS**

Sir,

In response to the Official Office Action mailed March 26, 2003, paper no. 4, and having a one (1) month shortened statutory period for reply, Applicant respectfully requests reconsideration or further examination of the claimed invention and consideration of the remarks herein

Enclosed herewith is a petition for a 3 month extension of time.

This response and petition are being submitted in accordance with 37 CFR 1.34(a).

## REMARKS

Claims 1-13 are in the case and presented for reconsideration.

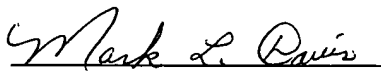
The examiner has required a restriction to a specie regarding the carboxyalkyl cellulose ester to a single carboxyalkyl cellulose ester for prosecution on the merits. Applicants respectfully traverse this requirement for election and request reconsideration.

The examiner has noted that currently a composition comprising carboxyalkyl cellulose is generic. The examiner maintains that many hair compositions defined by many carboxyalkyl cellulose ester compounds are claims. Applicants submit that the examiner is not fully considering the limitations present in the claimed invention. Applicants' present invention includes a partially or totally neutralized carboxyalkyl cellulose ester but such component is a C2-C4 alkanoate ester of carboxy (C1-C3-alkyl)cellulose having a degree of substitution per anhydroglucose of carboxy (C1-C3-alkyl) greater than 0.2 to about 0.75 and a degree of substitution per anhydroglucose per unit of C2-C4 alkanoate ester of about 1.5 to 2.7. Applicants submit that there is a reasonable number of compounds defined by these limitations and that it would not be a burden on the examiner to examine claims 1-13 together given that a composition comprising carboxyalkyl cellulose is generic, i.e., claims 1, 6 and 9.

Moreover, Applicants submit that the examiner has not established a *prima facie* case for the initial requirement by showing the claims have separate classification, separate status in the art or a different field of search.

Accordingly, Applicants request that the examiner reconsider the election and withdraw or modify such requirement. If the examiner maintains the election of specie, Applicants elect the specie of claim 2. Claims readable thereon include generic claim 1, and claims 2, 3, 6, 7, and 9-12.

Respectfully submitted,

  
Mark L. Davis  
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